

THE ROLE OF THE INSTITUTION OF BASHINGANTAHE IN NURTURING GOOD GOVERNANCE AND SOCIO-ECONOMIC DEVELOPMENT IN BURUNDI

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Abstract

This study on the role of institution of Bashingantahe in nurturing good governance and socio-economic development was carried out in Burundi. The specific objectives were to assess the roles of institution of Bashingantahe in nurturing good governance and socio-economic development in Burundi before, during and after colonialism; examine the effectiveness of institution of Bashingantahe in nurturing good governance and socio-economic development and to find out the relationship between institution of Bashingantahe and current system of governance in nurturing good governance and socio-economic development; investigate challenges that the institution of Bashingantahe is facing in nurturing good governance and socio-economic development in Burundi. Data for this study were obtained using a data triangulation method whereby simple random sampling and purposive sampling were used to select 84 respondents using Yamane Taro's (1967) formula. Data collection was done through a short questionnaire, interview guide, observation and focus group discussion schedule. Quantitative data were analyzed by using Statistical Package for Social Sciences (SPSS 20.0) and Excel computer program, while qualitative data were analyzed using content analysis. Findings of the study revealed that institution of Bashingantahe played a considerable role in the maintenance of cohesion and the restoration of peace on their collines. In addition to their judicial role, they were involved in reconciling individuals and families; authenticate contracts (inheritance, marriage, sale of cattle, etc.); ensure the security of life and property; provide guidance to politicians in the exercise of their mandates; promote respect for human rights and the common good. However, findings reveal that the institution was weakened during the colonial era, beginning in the 1920s because the role of the institution Bashingantahe became 'informal' with the establishment of the Belgian system of positive law. Today, the institution *Bashingantahe* is still consulted, particularly on the *collines*. However, findings for this study confirm that the Bashingantahe have become less and less representative of traditional values of integrity and impartiality, mainly because they have often been chosen by political authorities and instead of being chosen individually after scrutiny by their peers. Many are seen as corrupt, asking for fees, contrary to tradition. There are distinct opportunities for the two systems to collaborate better in order to foster the rule of law. But, the decisions of the *Bashingantahe* have no force of law and the legal requirement for parties to have taken their civil matters to the *Bashingantahe* before being heard by the communal tribunal has recently been eliminated. The study recommends that the institution of Bashingantahe at the national level and the

government of Burundi should provide training for the *Bashingantahe* positive law and its application, and literacy training where needed; reinstitute the traditional element of observation by the local community on the colline, or in the quartier in urban areas, before investing *Bashingantahe*— without exception; and corruption should also be eradicated that is now growing within and undermining the *Bashingantahe* institution

Index terms: institution of *Bashingantahe*, governance, leadership, Burundi, socio-economic development

1. Introduction

Community traditional leaderships occupy an important place in African life, and historically, in the body of governance of Burundi. According to Kendie and Guri (2004), community traditional leadership formed the leadership structures within the community, and their functional role ensured compliance with rules, norms and beliefs on the part of the populace.

According to Nindorera (1998), the advent of colonial rule introduced Western forms of governance that, with their accompanying political and administrative structures, dominate at the national and regional levels in most African countries. In Burundi, colonial rule halted the evolutionary processes of the traditional administrative structures and undermined the basis of traditional rule that was rooted in moral authority and consultation by making organized physical force the primary locus of authority.

Prior to colonization, Burundi was a kingdom with a fine socio-political hierarchy. The King (*Mwami*) embodied the nation and was surrounded by a group of aristocrats (*Ganwa*) from whom the next monarchy would be appointed (Uvin, 2001). To maintain peace, order and security, the institution of *Bashingantahe* (wise men), appointed by local communities, were installed. The *Bashingantahe* played an important role in conflict resolution at the local level, with the aim of guaranteeing peace, order and harmony (Lemarchand and Martin, 1974).

Nindorera, (2003) pointed out that the understanding of an *Ubushingantahe* (the community traditional leader) describes a set of personal virtues, including a sense of equity and justice, a concern for truth, a righteous self-esteem, a hard-working character – all of which could perhaps be summed up in the word “integrity.” Therefore, a person who has these qualities is referred to as an *Umushingantahe* (a community traditional leader).

The council of *Bashingantahe* undertook three levels of power namely: moral, social, and political. On the moral level, the *Bashingantahe* served as models of traditional values and pass them on to the next generation. On the social level, they played key roles in dispute resolution, being the people to whom others bring complaints, and who stand for order and peace within the community. On the political level, they acted as representatives of the local community and also, through a system of messengers, advised the King on important matters, for example in the declaration of war (Bigirumwami, 1999 cited in Nindorera, 2003)

Traditional leadership emanates from customs, and generally carries out customary functions. Today, it can be said that the institution of the *Bashingantahe* complements the role of government in some spheres

of life of Burundi; therefore, there cannot be contestation of authority between the institutions of community traditional leaders and the formal government institutions. The interaction between traditional and formal government institutions leads to efficient governance since both parties learn from each other; while traditional authorities learn more about democracy, rule of law, human rights and civil liberties, government officials learn about the people and their customs (Tracy Dexter and Ntahombaye, 2005).

Durning (1989) has stated that real development comes about when individuals and societies build their capacities to meet their own needs and improve the quality of their lives. It is believed that meaningful development can only be achieved when community traditional leaders work in partnership with the government institutions, especially at the local level where community traditional leadership is deeply rooted and local government agencies are seen only as axis for development.

UNDP (1997) states that ultimate concern of governance is to create the conditions for ordered rule and collective action; it is however, central to achieving political stability even though such a capacity has remained a challenge to Burundi. Good governance has become an issue of conditionality in promoting accountable and effective governance in aid-recipient countries.

The institution of *Bashingantahe* has an immense role to play in the search for good governance and promoting socio-economic development in Burundi.

2. Literature Review

The *Bashingantahe* occupied fundamental nodes in the socio-political order of pre-colonial Burundi. They played an important role in conflict resolution at the local level, with the aim of guaranteeing peace, order and harmony (Lemarchand and Martin, 1974).

The *Bashingantahe* were local notables with judicial, moral and political authority. Since they were part of a social order that made no distinction between the judicial, political and social spheres, they embodied justice, knowledge, virtue and authority. According to Thomas Laely (1992), they were ‘more justices of the peace than judges of a court’.

The *Bashingantahe* adhere to the principles of faithfulness to commitments (a reference to the oath), dialogue and consultation, consensus and collegiality in decision-making, the requirement for truth and the sense of responsibility, discretion and impartiality (Ntahombaye and Manirakiza, 1999).

Under Belgian colonial rule, the ‘indigenous jurisdictions’ established in 1917 relied extensively on the *Bashingantahe*, although the colonial administration reserved control over their judgments. Practices that were deemed incompatible with the ideals of ‘civilization’ were simply banned (Gahama, 1983).

At the same time, the social order in which the *Bashingantahe* played several roles gradually disintegrated, and the colonial power instituted administrative authorities that took over tasks normally done by the *Bashingantahe* (Laely, 1997).

Colonial socio-political developments harmed the *Bashingantahe*, whereby it managed to lose some of its historical prerogatives. Colonial authorities appointed courts directly and missionaries introduced Christian counsellors for dispute resolution. Both groups provided competition for justice, and thus weakened the influence and power of the *Bashingantahe* (Naniwe-Kaburahe, 2008).

The *Bashingantahe* incorporation by the state became even stronger after independence.

The nomination of the Bashingantahe now came under the control of the (single) political party in power, which did not take account of the necessary phases in the traditional investiture process (Reyntjens, 1992).

At the end of the 1980s, the question of national unity and reconciliation finally started to be addressed by the government. Developments of the Bashingantahe as an institution mainly took place through these discussions at the national level (Burundi constitution, 1992).

In 1996, the government's renewed attention to the Bashingantahe institution entered a second phase. A presidential decree 'reinvented' the institution in 1997, with the most visible consequence being the establishment of a consultative national council composed of 40 Bashingantahe appointed by the president. This council made several recommendations in the context of the ongoing negotiations between the warring parties at the time. The 'Bashingantahe council for national unity and reconciliation' was also recognized by the transitional constitution of June 1998.

The Arusha Peace Agreement, signed in 2000, reiterates this idea of a national 'institution.' After the signing of the peace agreement, several international donors and aid agencies contributed to the so-called 'rehabilitation' of the Bashingantahe institution. A vast campaign to identify the 'real' Bashingantahe was organized throughout the country. Financed by the UN Development Programme, it brought together numerous local and international bodies in a collective effort (UNDP, 2010). They found precisely 30,411 'traditionally' invested Bashingantahe (Weis, 2013). The undertaking resulted in the creation of a new National Council of the Bashingantahe in 2002. The investiture of the Bashingantahe at the national level was not able to counter the specter of the politicization of the institution – quite the contrary. Rapidly, the campaign came to be criticized for having privileged certain categories of individuals, in particular those belonging to the urban intellectual elite (Deslaurier, 2003).

One of the consequences of this controversy is the eclipse of the Bashingantahe in the official transitional justice policy (debate). The objective is to install a Truth and Reconciliation Commission and a Special Tribunal within the Burundian judiciary, with the aim of promoting a balanced mix of truth, reconciliation and accountability. Negotiations on transitional justice were called off in 2007. Contrary to the peace agreement, these negotiations made no reference to the Bashingantahe whatsoever (UN, 2005).

It is against this backdrop that the ousting of Bashingantahe from the legislative process started. A law on judicial procedures, passed in 2005, formally put an end to the role of the Bashingantahe as an institution auxiliary to the courts of law (*Law 1/08 (17 March 2005)*). The municipal law, which also came into effect in 2005, created 'hill and neighborhood councils' elected by universal suffrage that were put in charge of 'ensuring, on the hill or in the neighborhood, together with the Bashingantahe of the [administrative] unit, the arbitration, mediation, conciliation and settlement of local conflicts' (*Article 37 of Law 1/016 (20 April 2005)*).

The members of the locally elected hill councils are predominantly associated with the CNDD-FDD, while the Bashingantahe continue to bear the stamp of their incorporation into the machinery of the former one-party state. The new rulers both at the national and local level, therefore, initially questioned the legitimacy of the Bashingantahe (Uvin, 2009).

In spite of allegations of corruption, impartiality, and vertically imposed changes in the council of

Bashingantahe, horizontal legitimating has endured at some extent, especially in rural areas (Deslaurier, 2003).

They continued to operate in accordance with Burundian traditional ways. The Bashingantahe in Burundi are not limited to particular jurisdictions, they continue to hear different cases, ranging from domestic affairs to land conflicts. However Bashingantahe's decisions are not legally binding. And government's appointments of some Bashingantahe have created differences in the popular perception of Bashingantahemembers, in terms of the "true", the "old", the "new", and the "false" (Nindorera, 2003).

3. Research Methodology

3.1 Research Design

Kothari (2004) defined a research design as the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to research purpose. A data triangulation method was used in the study. Triangulation refers to a process of verification that increases validity by incorporating several viewpoints and methods. Jakob (2001) pointed out that by combining multiple observers, theories, methods, and empirical materials, researchers can hope to overcome the weakness or intrinsic biases and the problems that come from single-method, single-observer, and single-theory studies. Often the purpose of triangulation in specific contexts is to obtain confirmation of findings through convergence of different perspectives. The point at which the perspectives converge is seen to reality.

3.2 Target population

A population is a body of people or any collection of items under consideration. The research involved the invested Bashingantahe, community members and government officials found in Burundi. According to a report financed by the UNDP (2010), there were found precisely 30,411 'traditionally' invested Bashingantahe (Weis, 2013).

present reality.

3.3 Sample Frame and Sample size

3.3.1 Sample Frame

According to Bailey (1982), survey of any kind required resources, time and organization that might be very expensive and may be beyond the means of the researcher concerned. Samples, according to him can however help the researcher draw precise conclusions representative of all the units. He further argues that by concentrating resources on only a part of the population (sample) the quality of the data will be superior to and guaranteed than that of a complete enumeration.

3.3.1.1 Random sampling

Random sampling, also known as 'probability sampling,' refers to that method of sample selection which gives each possible sample combination an equal probability of being picked up and each item in the entire population to have an equal chance of being included in the sample (Kothari, 2004). In this study,

simple random sampling was used as ‘that method of sample selection which gives each possible sample combination an equal probability of being picked up and each item in the entire population to have an equal chance of being included in the sample. The significance of this kind of sampling was that it gave each member in the four selected communes an equal probability of getting into the sample; and all choices were independent of one another.

3.3.1.2 Purposive sampling

Known also as non-probability sampling, purposive sampling is that sampling procedure which does not afford any basis for estimating the probability that each item in the population has of being included in the sample (Kothari, 2004). This sample procedure included representatives of Bashingantahe at the province level and at national level, administrators of the selected four communes.

3.3.2 Sample size

According to Sweeney and Williams (2002) a sample is a small group of respondents drawn from a population that the researcher is interested in obtaining information about. A simplified formula according to Yamane Taro’s (1967) was used for sample sizes

$(n = \frac{N}{1 + N(e^2)})$, Where n is sample size and N is the population and e is the error margin,

Thus, $n = \frac{30411}{(1 + 30411(0.05)^2)}$

$n = 394.8 \approx 395$

3.4. Data Collection Instruments

Data collection in qualitative study usually involved techniques such as interviews, questionnaire, focus group discussion and observation. As Patton (1990) points out, multiple sources of information are sought and used because no single source of information can be trusted to provide a comprehensive perspective. In addition, a combination of interviews, questionnaire and focus group discussion provided the researcher different data sources for triangulation in order to validate and cross-check its findings

3.4.1 Interview Method

Interview survey it’s a process whereby questions, conversation and recording what you are told. It is a joint exercise whereby a researcher and members participate actively in the process.

The researcher used this method to have face to face conversation between a researcher and the respondents, the respondents who were interviewed by a researcher were be the president of national council of Bashingantahe, the representative of GitegaBashingantahe Council and representatives from 4 communes in Bashingantahe council. Bashingantahe who participated in local and central administration gave their own knowledge and available data in their positions and provided the accurate information to the researcher which allowed and be used to organize all the information and related them with the result of the study.

3.4.2 Focus Group Discussions

The participants of the focus group discussion were contacted through the interactions with traditional local leaders. The participants were briefed on the focus of the study and given a week notice and a reminder the day before the focus group discussion. Focus group discussions remained the best tool of data collection from headmen, elders, opinion leaders and inhabitants. The respondents were able to identify the level of Bashingantahe participation in governance and solving community problems.

3.4.3. Questionnaire method

In the case of primary data, questionnaires (semi-structured) were also used to elicit the required data from community traditional leaders, community members, local government leaders and the national representative of Bashingantahe. Questionnaires were used by the researcher to get information related to the role of the Bashingantahe and the contribution made by Bashingantahe in nurturing good governance and socio-economic development.

3.7. Data Analysis and presentation

The information collected from the field was edited, coded, summarized and rephrased to make them clear and understandable; some of the data were collected through the use of French and Kirundi languages depending on the nature of the respondents, and then translated into English language as a language of teachings in the learning institution for easy analysis. In analyzing the data statistical methods and tools were applied and the results were presented by the use of charts, graphs figures and tables. The qualitative data derived from the analysis of the interviews and focus group discussion was used to arrive at various findings and conclusions through detailed comparative and inductive analysis. The qualitative data from the interviews were analyzed by means of content analysis. Where necessary, relevant literature were used to contextualize and present findings

4. Results and Discussion

Table 1: Characteristics of the institution of Bashingantahe

Category	Frequency	Percent
National	79	94.1
Multidimensional	77	91.7
Universal	69	82.1
Collegial	65	77.4
Informal	81	96.4

Table 1 indicates that 94.21% of respondents stated that the institution of Bashingantahe was national implying that it represented all people all over the country. Table 1 further shows that out of 84 (100%) respondents, 77 (91.7%) stated that the institution of *Bashingantahe* was multidimensional while 69 (82.1%) respondents pointed out that the institution of Bashingantahe was also universal. According to the results in Table 1, 65 (77.4%) respondents stated that the institution was collegial and consensual in

nature of the deliberations and decisions of the *Bashingantahe*. Finally, Table 1 shows that 81 (96.4) respondents said that the role of the institution of *Bashingantahe* was informal.

4.1 *The role of the institution of Bashingantahe before, during and after colonialism*

The first objective of this study sought to examine the role that the *Bashingantahe* played in nurturing good governance and socio-economic development before, during and after colonialism.

4.1.1 **The role of Bashingantahe before colonialism**

Table 2 shows that the role of *Bashingantahe* in nurturing good governance was undeniable. The results indicate that *Bashingantahe* were very much involved in reconciling people and families within their communities (100%) and settle litigations via reconciliation or a judgment (100%). Findings also show that the traditional community leaders (*Bashingantahe*) were involved allocating land (98.8%); advice and harmonize political powers at all levels (96.4%); certifying contracts such as marriage, wills, sales and gifts (94.0%); speak in favor of the common good and human rights at all times (91.6%); guaranteeing the security of community members and their property (86.9%) and performance of rituals (72.6%). This results show that the *Bashingantahe* gave themselves to the well being of the society and were restless under order and peace reined.

Table 2: The role of Bashingantahe before colonialism

4.1.2 **The role of Bashingantahe during colonialism**

Various documented reviewed revealed that prior to colonization the *Bashingantahewas* non-ethnic in its composition, the positions were not hereditary and had to be earned through behavior and learning.

In the early 1920s, the Belgian colonizers brought their legal system, based on a more individual orientation to the organization of society. They set up a dual system of law, including the written law that regulated Europeans and Burundians, and the customary law, which regulated only Burundians, in all civil matters and limited criminal matters unless the customary law was contrary to public order. Eventually, by the time of independence, criminal matters, as well as both civil and criminal procedure, became the unique domain of the written law.

The Belgian authorities began to diminish the *Bashingantahe* institution by controlling their judgments, modifying their verdicts and withdrawing their right to impose certain sanctions. This findings agree with a study done by Deslaurier (2003) who pointed out that the actions by the colonial authorities ‘who arrogated to themselves the right of evaluating the authenticity of custom, deprived for the first time the *Bashingantahe* of their fundamental mission of ensuring the continuity of customary law

4.1.3 **The role of Bashingantahe in the current government system**

Category	Frequency (n=84)	Percent (%)
Advise and harmonize political powers at all levels	81	96.4
Reconcile people and families within their communities	84	100
Certify contracts (marriage, wills, sales, gifts, etc)	79	94
Serve as a watchdog for peace and truth in the community	84	100
Speak in favor of the common good and human rights at all times	77	91.6
Settle litigations via reconciliation or a judgment	84	100
Allocate land held in trust	83	98.8
Performance of rituals	61	72.6
Guarantee the security of community members and their property	73	86.9

The politicization of the *Bashingantahe*, which contributed to their undermining, started after independence, under the Republican Regime (1966). The Uprona Party, which became the single party in the country, interfered in the appointment and investiture of the *Bashingantahe*. Political criteria rather than virtue as advocated by the *Bashingantahe* institution became dominant and the government would confer the title and function of *mushingantahe* on its own territorial administrators and local party bosses who were invested *en masse*.

Under the Second Republic (1976–1987), the investiture of new *Bashingantaha* was prohibited all over the country. The president authorized the communal administrators, appointed by the government, to appoint individuals to play the role of the *Bashingantaha* on the colline. Because the government could not destroy the esteem that the *Bashingantaha* had on the colline, it created posts that would usurp all their functions. Eventually only the party committee members could be officially invested as *Bashingantaha*. The party committee, for example, would sit on certain days to hear the grievances of the community.

The *Bashingantaha* invested by the party had authority, but they never had the same status as the traditionally invested *Bashingantaha*.

During this study, various documents were reviewed in order to assess the role of *Bashingantaha* in the current formal form of governance and their effectiveness to nurture good governance. These documents included the law No. 1 of 14 January 1987 which provided the organization and powers of the judiciary in Burundi, articles 209–218; Law No. 1/08 of 17 March 2005, Law on the Organization and Competence of the Judiciary.

4.2 The effectiveness the *Bashingantaha* institution in nurturing good governance

4.2.1 The perception of community members about the effectiveness of *Bashingantaha*

This section presents people's current views or perceptions about the effectiveness of the institution of *Bashingantaha* at the local level.

As it is indicated in Table 3, respondents held varying views about the institution of *Bashingantaha*. Some

hold the perception that the institution does not respect women and the youth (32.1%) and it is also undemocratic (46.4%).

Table 3 shows that all the respondents (100%) indicated that the Bashingantahe are very important in the community. These results imply that the institution of Bashingantahe should be encouraged since they are the most accessible at the low level, the colline.

So as can be seen from Table 3, all the respondents indicated that the Bashingantahe were necessary in every community

Table3: the perception of respondents about the institution of Bashingantahe

Variable	Responses (%)		
	Yes	No	I don't know
The institution Bashingantahe is necessary in the community	100.0	0.0	0.0
The respect Bashingantahe	90.5	7.1	2.4
The institution of Bashingantahe is democratic	48.8	46.4	4.8
The Bashingantahe respect women and the youth	61.9	32.1	6.0
The institution of Bashingantahe is legitimate in governance	84.5	15.5	0.0
The institution of Bashingantahe is a force in governance	36.9	55.9	7.1
The literate Bashingantahe are necessary for the community	67.8	32.2	0.0
The Bashingantahe can ensure social equity	96.4	2.4	1.2
The Bashingantahe promote discipline and morality	100.0	0.0	0.0
The Bashingantahe promote socio-economic development	79.8	12.0	8.2
The institution of Bashingantahe is uniting your community	100.0	0.0	0.0
The Bashingantahe should be engaged in partisan politics	88.1	11.9	0.0
The institution of Bashingantahe should continue to exist	94.1	4.7	1.2

Figure 2 shows the percentage distribution of reasons why the community members value the Bashingantahe

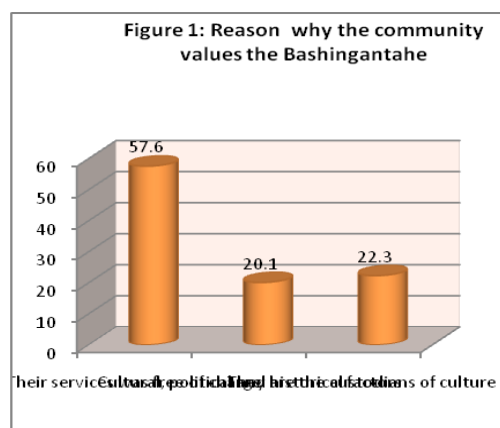


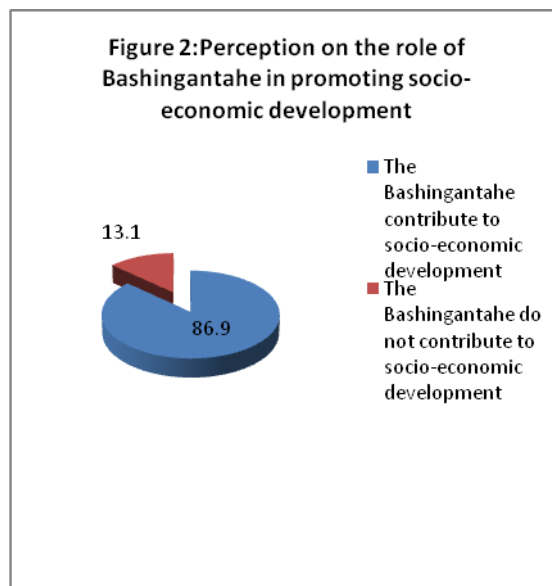
Figure 1 show that the institution of Bashingantahe was perceived in a positive light in that the services were, in principle, free of charge (57.6%).

A further 20.1% of respondents indicated that for cultural, political and historical factors, they think that the Bashingantahe were necessary and must be valued. Figure 1 further reveals that 22.3% of the respondents held the views that as custodians of culture, the Bashingantahe must be valued.

4.2.2 The role of the institution of Bashingantahe in promoting socio-economic development

During the survey, respondents were asked whether Bashingantahe could help in promoting socio-economic development and if they could, how they think the Bashingantahe could do it. There were varied opinions on this. Some of the respondents contended that Bashingantahe were at the centre of community development efforts in their communities while others also simply contended that there was little the Bashingantahe could do to help in promoting socio-economic development. Figure 3 represents the number of people in these two response categories.

From Figure 2, it can be seen that 86.9% of the respondents indicated that chiefs could help in promoting socio-economic development in their respective communities by playing certain roles. Also, as can be seen from Figure 2, 13.1% of the people said that Bashingantahe could not help in promoting development. Among some of the reasons advanced by this group of people is that promoting development is the work of the current government and not the responsibility of traditional leaders. Others also indicated that the Bashingantahe help their communities in development but lack resources even when they are willing to do so.



The 86.9% of the people who contend that chiefs could actually assist in socio-economic development were also asked to indicate how they think the Bashingantahe could do it and the results are shown in Table 4.

Table 4: Possible roles of Bashingantahe in promoting socio-economic development

Reason	Frequency	Percent
Resolution of land disputes	14	19.2
Promoting peace, order and security in the communities	21	28.8
Cooperating with development partners	21	28.8
Encouraging education, working hard and generally leading well	17	23.2
Total	73	100

As it is indicated in Table 4, 19.2% of respondents pointed out that the institution of Bashingantahe can promote socio-economic development through the resolution of land disputes in communities. Results further indicate that 28.8% of respondents saw the promotion of socio-economic development through promoting peace, order and security in all communities.

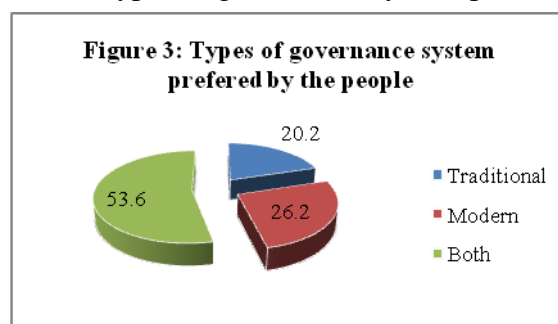
Results indicated that 28.8% of the respondents indicated that Bashingantahe could help in promoting socio-economic development if they give their support and commitment to development partners anytime this is necessary.

Table 4 also indicated that 23.2% of respondents argued that encouraging education, hardworking and generally leading well can lead to socio-economic development in the community.

From these findings it can be concluded that the people maintained that the way the Bashingantahe act with regards to development in their communities have a lot of influence on the lives of the people.

4.3 The relationship between the institution of Bashingantahe and the current governance system

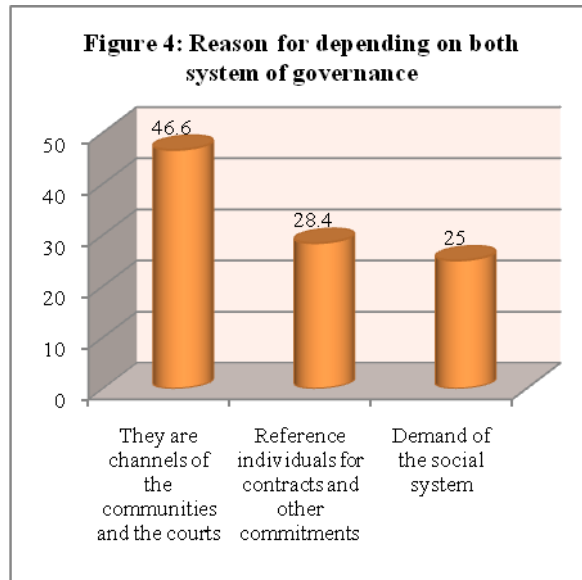
The objective here was to find out whether the current government system and the Bashingantahe institution were mutually exclusive or both needed to complement each other in order to deliver good governance and socio-economic development to the people in the most desired form. Thus, the research was also interested in finding out whether the current government system consulted Bashingantahe in implementing its policies and whether this consultation was necessary and if so the benefits. The respondents were asked to indicate between the traditional system of governance and that of the modern system of government the one they depend on for their welfare or whether they preferred both. Figure 3 presents the percentage distribution of types of governance system preferred by the people.



From Figure 3 only 20.2% and 26.2% of the respondents indicated that they preferred the traditional and modern systems of governance respectively. As can be seen from Figure 3, 53.6% of the people also

indicated that they depended on both systems of governance for their welfare. This gives an indication that these two systems were inevitably working together so far as the people who are the ultimate beneficiaries or losers of these two systems were concerned.

Figure 4 shows the percentage distribution of reasons why the people preferred both systems of governance



Results in Figure 4 show that 46.6% of respondents argued that the *Bashingantahe* channeled the communities to the courts during the process of implementing judgments, particularly for land cases.

As figure 4 indicates, the *Bashingantahe* were considered as the reference persons for contracts and other commitments (28.4%), such as last will and testament in order to enforce the provisions of the court decisions and to ensure their validity from one generation to the other.

From the survey, 25% of respondents demanded for social order meaning that the traditional system precedes the modern system and that there was the need for both to coexist because of the benefits the people derive from these two systems.

4.4 Challenges faced by the institution of *Bashingantahe* in Burundi

Table 5 presents the distribution of challenges facing the institution of *Bashingantahe* in Burundi.

Variable	Frequency	Percent
Interference of other informal system	47	56.0
Ignorance of the written law	49	58.3
The <i>Bashingantahe</i> 's decision are not binding	61	72.6
Illiteracy	59	70.2
Corruption	17	20.2

Results in Table 5 shows that 56.0% of respondents said that there was interference of other informal system taking the responsibilities of *Bashingantahe*.

As indicated further, 58.3% of *Bashingantahe* are not aware of the written law. Also findings indicate that

72.6% of the Bashingantahe's decision is not binding. Further, the *Bashingantahe's* decisions remain forever subject to appeal, which diminishes Results in Table 4 show that 70.2% of *Bashingantahe* are illiterate. Corruption as mentioned by (20.2%) of respondents, was seen as a reality that caused people to lose faith in the *Bashingantahe*. Finally, some respondents in every location fear the possible politicization of the institution, as has been the case in the past.

5. Summary of the Finding

Findings indicated that the institution was national, multidimensional, universal, collegial and informal. The study revealed that the Bashingantahe had an incommensurable role to play in the traditional Burundi. These roles include advise and harmonize political powers at all levels, reconcile people and families within their communities, certify contracts (marriage, wills, sales, gifts, etc), serve as a watchdog for peace and truth in the community, speak in favor of the common good and human rights at all times, settle litigations via reconciliation or a judgment, allocate land held in trust, performance of rituals and guarantee the security of community members and their property.

However, the results showed that the role of the Institution of Bashingantahe was demystified by the coming of Belgians, the colonizers, who set up a dual system of law, including the written law that regulated Europeans and Burundians, and the customary law, which regulated only Burundians, in all civil matters. On the other hand, in the current government system, the role of Bashingantahe is felt at the low level, *the colline*, but the institution of Bashingantahe is not recognized as it used to be in the traditional Burundi.

Certain limitations were found to be inhibiting the efforts of most of the Bashingantahe in the area. One of this is the high illiteracy rates among the Bashingantahe, corruption, ignorance of the written law, the not binding of Bashingantahe's decision and the interference of other informal system. These factors were seen as major limitations for the effective participation of Bashingantahe in nurturing good governance and development. From the findings, it can be concluded that the *Bashingantahe* institution has remained vivid in the hearts of the Burundians for nurturing good governance and promoting socio-economic development.

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